

**IT IS THE VENDOR'S RESPONSIBILITY TO CHECK
FOR ADDENDUMS PRIOR TO SUBMITTING PROPOSALS**

REQUEST FOR PROPOSALS SPECIFICATION NO. 05-270

The City of Lincoln, Nebraska intends to enter into a contract and invites you to submit a sealed proposal for professional Engineering Services related to the projects listed and described below:

LANDFILL DEVELOPMENT AND CLOSURE PROJECTS AT THE BLUFF ROAD LANDFILL CIP #569282 and 569343

Sealed proposals will be received by the City of Lincoln, Nebraska on or before **12:00 noon, Wednesday, November 2, 2005** in the office of the Purchasing Agent, Suite 200, K Street Complex, Southwest Wing, 440 South 8th Street, Lincoln, Nebraska, 68508. Proposals will be publicly opened, reading only the names of those submitting proposals.

A copy of the request for proposal may be obtained from the Purchasing Division web site at:
www.lincoln.ne.gov Keyword search: Bid

Submitters should take caution if U.S. mail or mail delivery services are used for the submission of proposals. Mailing should be made in sufficient time for proposals to arrive in the Purchasing Division, prior to the time and date specified above. It is the responsibility of submitters to check for all addendums issued for this request for proposals prior to submission.

REQUEST FOR PROPOSALS
Professional Engineering Services,
LANDFILL DEVELOPMENT AND CLOSURE PROJECTS
AT THE
BLUFF ROAD LANDFILL
Specification No. 05-270
(City Project No.'s 569282 and 569343)

1. PURPOSE AND INTENT

- 1.1 In general, the City intends to retain a professional engineering firm to provide normal and customary basic engineering design services for final design and construction of Landfill Development and Closure Projects as described herein at the Bluff Road Landfill for the Lincoln Solid Waste System.
- 1.2 The general requirements and intent of these projects are to:
 - 1.2.1 Provide final design including bidding assistance services for construction of Phase 10 - Liner and Leachate Collection System Expansion including Stormwater Detention Basin Relocation (Project No. 569282) and Phase 3 - Final Cover (Project No. 569343) projects at the Bluff Road Landfill Facility.
 - 1.2.2 In addition final design to include: final sizing, profiles and grades; construction scheduling; opinions of probable construction cost; and, bidding assistance services.
 - 1.2.3 The preliminary estimated areas for the Phase 10 Liner and Leachate Collection System Expansion and Phase 3 Final Cover areas are estimated at 10 acres and 12 acres, respectively.
 - 1.2.3.1 The size of final areas for construction will be determined during final design.
 - 1.2.3.2 Sizing of final areas for construction are dependent upon the funding identified and available in the City's Capital Improvements Program (CIP).
- 1.3 The contract or contracts for services would be as follows.
 - 1.3.1 Final design and bidding assistance service for construction including construction inspection for and construction administration for:
 - 1.3.1.1 Phase 10 - Liner and Leachate Collection System Expansion and Stormwater Detention Basin Relocation project, and
 - 1.3.1.2 Phase 3 - Final Cover System, and
 - 1.3.1.3 Final designs to be in accordance with previous landfill sequencing plans and currently approved Facility Operating Permit requirements.
 - 1.3.2 The Phase 10 - Liner and Leachate Collection System Expansion and Stormwater Detention Basin Relocation project is the higher priority for completion.

- 1.3.3 The Liner and Leachate Collection System Expansion portion of the project must be completed and operational by October 31, 2006.
- 1.3.4 Final design for the Phase 3 - Final Cover project is intended to begin and be completed concurrently with the Phase 10 - Liner and Leachate Collection System Expansion project.
- 1.3.5 Completion of construction of the Phase 3 - Final Cover project can be later than the Liner and Leachate Collection System Expansion and the date for such completion will determined during final design.

2. **GENERAL AND BACKGROUND**

- 2.1 The need for these projects were identified and described in the currently approved Operating Permit for the facility and Landfill Capital Improvements Program (CIP).
- 2.2 Lincoln and Lancaster County's continued generation of waste and population growth and is also driving the need for these improvements to insure for the proper handling and disposal of generated solid wastes in accordance with federal, state and local regulations and requirements.
- 2.3 Background - Bluff Road Landfill Facility.
 - 2.3.1 The facility was opened in 1988 and was originally constructed using a single compacted clay liner and gravity piped leachate collection system.
 - 2.3.2 The liner and leachate collection system was modified in 1995 to include a Subtitle D composite liner system
 - 2.3.3 The facility accepts approximately 800 TPD of MSW from the Lincoln and Lancaster County area only.
 - 2.3.4 The current estimated remaining life of the facility is 21 years.
 - 2.3.5 In 1999, the first phase of final cover was constructed using a composite cap with a passive gas collection system.
 - 2.3.6 The leachate collection system consists of perimeter liner sumps with automated pumping systems that discharge to a common gravity collection pipe connected to a 20,000 gallon underground storage tank and truck load out area.
 - 2.3.7 Collected leachate is self-hauled by a truck tank trailer and re-circulated into the fill. During certain operating conditions leachate may also be hauled to the City's POTW facility located approximately two miles from landfill.
 - 2.3.8 The facility has a Title V air emissions permit and the most recent Tier II gas sampling was performed in 2001 resulting in an estimated NMOC emissions rate of 44 Mg/yr.
 - 2.3.9 In 2002, a feasibility study of a LFG to energy (LFGTE) system was completed in cooperation with the Lincoln Electric System (LES). Results of this evaluation indicated that a LFGTE system continued to be a possible feasible option. Both agencies are continuing discussions regarding the development of a LFGTE system.

- 2.3.10 A existing stormwater detention basin collects and detains stormwater runoff from the immediate operating area. This stormwater basin will need to be designed and relocated to a new location to allow for future construction of liner expansions and future landfilling operations to continue.

3. AVAILABLE INFORMATION

- 3.1 Previous reports, studies, records, topographical survey's and other pertinent informational documents relating to these projects are available for review.
- 3.2 The information is available for review at the Bluff Road facility and the offices of the Lincoln Wastewater System and Solid Waste Operations Division, 2400 Theresa Street, Lincoln, Nebraska.
- 3.3 Copies may be furnished for the cost of reproduction, handling, and mailing unless otherwise noted below.
- 3.4 Contact the Project Selection Committee Chair to review or obtain copies.
- 3.5 The following is a selected list of the most applicable documents.
 - 3.5.1 City of Lincoln Landfill Program, Bluff Road Landfill (Facility ID #58617), Title 132 Permit Application and approved Operating Permit (Permit #NE0120995), April, 2003.
 - 3.5.2 City of Lincoln-Lancaster County "Comprehensive Plan", latest version which is available at: <http://www.lincoln.ne.gov/city/plan/complan/2025/index.htm>
 - 3.5.3 City of Lincoln "FY 2005 - 20011 Capital Improvement Program, Final Edition," for Sanitary Landfill which is available at: <http://www.lincoln.ne.gov/city/plan/capital/05-2011/landfill.pdf>
 - 3.5.4 Pertinent and previous construction record documents, drawings, reports, etc., for the Bluff Road Facility.

4. GENERAL REQUIREMENTS AND SERVICES

- 4.1 The following is offered to describe the general extent of services to be provided by the consultant.
 - 4.1.1 This is not necessarily all-inclusive and the Consultant shall include in the proposal any tasks and services deemed necessary to satisfactorily complete the project.
 - 4.1.2 The City will rely on the firm's competence and experience to develop a final scope of services identifying all necessary tasks, meetings, and deliverables.
- 4.2 Basic Required Services - Final Design
 - 4.2.1 Initially meet with City project team to review the scope of required services, design criteria and expectations, obtain background information, and establish tentative schedule for completion.
 - 4.2.2 Prepare a final work memorandum that defines in detail the Consultant's and City's mutually agreed understanding of project scope, objectives, and schedule, including budgetary information and meet with City staff to review and approve the final design memorandum.

- 4.2.3 Review current Landfill Sequencing Plan and related pertinent studies; previous designs and construction drawings; operating permit requirements; and, other related information to provide for a cost effective design and compliance with permit conditions.
- 4.2.4 Perform necessary field investigations, site visits, review of existing stormwater run-on/off controls, including stormwater detention basin construction and operation, review of existing and previous construction, special inspections, and, related data collection, including topographic, surveys geo-technical investigations, odor, gas, and other investigations, as necessary and as deemed appropriate by the City and design consultant.
- 4.2.5 Perform calculations, evaluations and estimates of total project costs to verify and determine final areas and sizes of proposed improvements to meet budgetary requirements.
- 4.2.6 Evaluate and specify requirements to prevent construction impacts to normal landfill operations including contractor equipment movement, identification of soil stockpiles and locations, soil borrow areas, stormwater management and leachate collection / re-circulation..
- 4.2.7 Prepare all applications for State and local permits for construction including: any necessary permit clarifications for submittal to the Nebraska Department of Environmental Quality (NDEQ), stormwater permits, etc. as required.
 - 4.2.7.1 Insure that all designs and data provided are sufficient for City to submit and to receive such permits or agreements and provide follow-up information when necessary to obtain approval of any changes in a timely manner.
- 4.2.8 Meet with City project team and other representatives at 30%, 70%, and 90% design completion stages to review progress and status of design, including updating of opinions of construction cost.
- 4.2.9 Coordinate field plan-in-hand review of final designs with City project team and other representatives.
- 4.2.10 Prepare and submit detailed final design drawings, technical specifications, and contract documents for bidding and construction, including estimates of construction and total project costs.
- 4.2.11 Final design documents shall be prepared in computerized word processing (MS WORD, WordPerfect - version 9) and CAD file format (Bentley Microsatation v.8 or above) acceptable to the City.
- 4.2.12 Submit completed design documents to NDEQ and other local and State regulatory agencies as required and assist City in obtaining any necessary permits and approvals from such agencies.
- 4.2.13 Submit five (5) printed copies and one computerized file copy of final design and construction contract documents utilizing City's standard contract documents and meet with City project team to present and review final design documents.
- 4.2.14 Prepare a final opinion of cost prior to advertisements for bids.

- 4.2.15 Bidding Assistance. Assist City in obtaining bids for construction of projects including: reproducing construction documents and drawings, answering technical questions from prospective bidders, conducting pre-bid meeting, preparing necessary bid addenda, reviewing and evaluating bids received, and recommending award of contract for construction.
- 4.3 Specific Design Requirements - Phase 10 - Liner and Leachate Collection System and Stormwater Detention Basin Relocation.
 - 4.3.1 Provide final design and construction documents to construct a composite liner and leachate collection system similar in design to the previous phases of composite lined lateral expansions and stormwater detention basin.
 - 4.3.1.1 Final design of liner and leachate collection system shall utilize the existing leachate extraction and storage system.
 - 4.3.2 Provide final design for relocating stormwater detention basin including: necessary surface water run-on/off controls including conveyance, pumping and erosion control as necessary to meet design year requirements.
 - 4.3.2.1 Evaluate stormwater run-on/off issues; long term access issues and long term screening issues against the existing site sequencing plan
 - 4.3.2.2 Provide for adequate stormwater management controls as deemed necessary during the final design process.
 - 4.3.2.3 If major modifications to the existing stormwater management plan are necessary, then prepare updates to the existing stormwater management operating plan for use by facility management and submittal to NDEQ to insure any stormwater management controls beyond those currently used are operated and maintained properly.
 - 4.3.3 Provide all necessary documentation to amend the facility's operating permit if necessary.
 - 4.3.4 Incorporate any groundwater monitoring well or piezometer abandonments and relocations into the construction either separately or as part of the lateral expansion construction plans and specifications.
 - 4.3.5 Incorporate any methane gas monitoring well additions into the construction either separately or as part of the lateral expansion construction plans and specifications.
 - 4.3.6 Insure that project completion allows sufficient time to adequately protect and insulate the top of the liner from freeze/thaw.
 - 4.3.7 Evaluate and specify requirements to prevent construction impacts to normal landfill operations including contractor equipment movement, identification of soil stockpile locations, stormwater management and leachate collection / re-circulation.
- 4.4 Specific Design Requirements - Phase 3 - Final Cover
 - 4.4.1 Provide final design and construction documents to construct a composite capping and passive gas venting system similar in design to the previously completed final covers.

- 4.4.2 This project will be the third phase of final cover constructed at the landfill and will include approximately 12 acres of landfill which has been completed to final contours and is covered with intermediate cover soil.
- 4.4.3 Design will follow and be compatible with the established long term stormwater control system for management of stormwater run-on/off from capped areas, perimeter areas and any necessary downstream control improvements. Design of stormwater management controls shall also consider future landfill development and lateral expansion sequencing.
- 4.4.4 Grassing system for final cover cap shall utilize previously established grassing mixes.
- 4.4.5 Specify requirements to prevent construction impacts to normal landfill operations including contractor equipment movement, identification of soil stockpiles, and stormwater management.
- 4.5 Basic Construction Phase Services For Each Construction Project
 - 4.5.1 Perform normal and customary basic engineering and construction administration and management services during construction
 - 4.5.2 Conduct pre-construction and monthly construction progress meetings including: providing meeting agendas, recording and submitting minutes of meetings, and reviewing project status and budget reports.
 - 4.5.3 Review and approve all contractor requests for payment, submittals, and shop drawings, for conformance with contract documents.
 - 4.5.4 Prepare and process all necessary construction contract change order justifications and related changes to contract documents as may be necessary.
 - 4.5.5 Conduct periodic field observations during construction and final inspection to document that construction is completed in accordance with all contract documents and permits.
 - 4.5.6 Provide a construction quality assurance team that enables timely field decisions so as to not impact the contractors work progress.
 - 4.5.7 Coordinate and/or perform initial start-up and training services required and assembling operational and maintenance manuals for equipment and other related items for the constructed project.
 - 4.5.8 Construction surveying and staking shall be the responsibility of the contractor; however, the engineer shall provide surveying services to set any necessary control points, perform thickness and dimensional certifications or compute quantities for any unit price items.
 - 4.5.9 Prepare and provide reproducible sets of record drawings and Microstation v.8 or higher files suitable for transfer to the City's computerized engineering and information (CEIS) system.
 - 4.5.10 Perform 6-month and 11-month warranty inspections of completed construction to certify compliance with all contract document warranty requirements and review operations for conformance to design.

- 4.5.11 Specific Construction Administration and Full-time Resident Project Representative Services - Phase 10 - Liner and Leachate Expansion and Stormwater Detention Basin Relocation.
 - 4.5.11.1 Provide competent and experienced resident full-time construction observation during installation of all critical components of the liner and leachate collection system and stormwater basin including: inspection of all layers of the composite liner, protective cover, leachate collection piping installation and connections, sump construction and equipment installations.
 - 4.5.11.2 Provide a complete construction documentation report for submittal to the NDEQ for their approval to begin landfilling in the constructed area.

5. **OWNER'S RESPONSIBILITIES**

- 5.1 Designate project representative and City project team to coordinate work activities of City project team, Consultant, and other affected agencies.
- 5.2 Provide pertinent historical, current, and projected growth data for use by interested firms.
- 5.3 Make all policy and budgetary decisions so as to allow timely completion of the work.
- 5.4 Supply pertinent existing drawings, records, and available information.
- 5.5 Supply all field books, survey, and diary books for recording data.
- 5.6 Conduct related advertising, bidding process, and award of Contract (s) for construction.

6. **SELECTION PROCEDURE AND SCHEDULE**

- 6.1 The City intends to proceed with this project as soon as possible.
- 6.2 The tentative proposed schedule of activities is as follows:
 - 6.2.1 Final requests for clarification, NOON October 26, 2005
 - 6.2.2 Proposal submittal deadline November 2, 2005
 - 6.2.3 Short list and schedule interviews Mid November, 2005
 - 6.2.4 Interview short listed consultants November, 2005
 - 6.2.5 Select consultant and negotiate November, 2005
 - 6.2.6 Tentative Project Schedule- Phase 10 - Liner & Leachate Collection System Expansion and Stormwater Detention Basin Relocation
 - 6.2.6.1 Begin Final Design Work December, 2005
 - 6.2.6.2 Complete Final Design February , 2006
 - 6.2.6.3 Begin Construction - April 1, 2006
 - 6.2.6.4 Complete Construction October 31, 2006
 - 6.2.7 Tentative Project Schedule - Phase 3 - Final Cover
 - 6.2.7.1 Begin Final Design Work December, 2005
 - 6.2.7.2 Complete Final Design February 31, 2006
 - 6.2.7.3 Begin Construction To be Determined
 - 6.2.7.4 Complete Construction To be Determined

6.2.8 Tentative Schedule - Other Services,
if selected by City

To be Determined

6.3 Any request for clarification or additional information regarding this RFP shall be directed in writing to: Mary Long, Assistant Purchasing Agent 440 South 8 Street, Suite 200, Lincoln, NE 68508; fax: 402/441-6513; or email: mlong@lincoln.ne.gov

7. **PROPOSAL CONTENTS**

7.1 Proposal preparation

7.1.1 In order to facilitate evaluation of the proposals, the offerer is instructed to be concise and to follow the outline below in responding.

7.1.2 Proposals shall be on plain white paper, black ink, minimum 10 pt. font, maximum 24 single sided pages, stapled in the upper left corner.

7.1.2.1 This maximum page count does not include Letter of Transmittal, Executive Summary, resumes, or references.

7.2 **Letter of Transmittal**

7.2.1 One page

7.2.2 Introductory letter signed by an individual authorized to commit the firm to the project.

7.2.2.1 Include appropriate contact person, phone number, fax number, and email address.

7.3 **Executive Summary**

7.3.1 One page

7.3.2 Short, non-technical summary stating firms understanding of the purpose and essentials of the project.

7.4 **Proposal**

7.4.1 Maximum of 24-pages, one-sided, black ink, minimum 10 pt font to include the following:

7.4.1.1 Describe and outline the **Firm's Approach** to performing the work required by this project.

7.4.1.1.1 Include implementation plan describing project phases, key work elements to meet critical project dates, and a recommended schedule of meetings to provide for timely input by City project team.

7.4.1.2 Outline the Proposed **Project Schedule** to meet the project schedules previously outlined in the RFP.

7.4.1.1.2 Provisions for meaningful input from City project team during the routing and preliminary and final design phases of various portions of the project are essential and shall be addressed.

7.4.1.3 Describe the **Ability of the Firm** to Meet the Intent of Required Services Outlined in this RFP, including:

- 7.4.1.3.1 Time availability of team members to meet the tentative project schedule.
- 7.4.1.3.2 Quality Assurance and Quality Control (QA/QC) review procedures to be utilized on this project.
- 7.4.1.3.3 Cost estimating and cost control procedures used by firm on similar projects.
- 7.4.1.3.4 A statement of general qualifications and background experience of the firm and project team members, including sub-consultants in this type of project and work.
- 7.4.1.3.5 A statement of general qualification and background experience of the firm and project team members, including sub-consultants in this type of project and work.
- 7.4.1.3.6 A comparison to similar projects of similar size and capacity and cost.
- 7.4.1.3.7 Listing of types of anticipated assistance that may be required from Owner.
- 7.4.1.4 Delineate the **Project Team and Organization** for this project.
 - 7.4.1.4.1 Include names of key individuals to be assigned to, and work directly on, the project.
 - 7.4.1.4.2 Describe specific areas and limits of responsibilities for each of the team members and proposed sub-consultants to be utilized.
 - 8.4.1.4.3 Include a project team organizational chart showing lines of responsibility and extent of involvement for sub-consultants.
- 7.5 Submit four contacts (**references**) of former clients (to include contact person, title, and telephone number) for which your firm was engaged with the past five (5) years to perform similar services as described herein.
- 7.6 **Resumes** of persons who will be performing the work including resumes for project team members, key individuals, and sub-consultants.

8. **EVALUATION CRITERIA**

- 8.1 Proposals will be reviewed by a selection committee appointed by the Mayor.
- 8.2 The committee will evaluate each proposal based on the documentation requested herein, utilizing criteria, which includes, but is not necessarily limited to or in the order of, the following:
 - 8.2.1 Understanding of the requirements of this project.
 - 8.2.2 Relevance and suitability of the project approach and schedule to meet the needs of the City.
 - 8.2.3 Qualifications and expertise of the key personnel to be assigned to this project.

- 8.2.4 Background experience of the firm and the project team as it directly relates to this project.
- 8.2.5 Record of past performance on similar projects.
- 8.2.6 Comments and opinions provided by references.
- 8.2.7 Quality and cost control procedures to be used on this project and identify personnel responsible for these controls.
- 8.2.8 Resources of the firm to conduct and complete this project in a satisfactory manner.
 - 8.2.8.1 Factors to be considered include: current work load (including current work with the City); schedule for completion; and, ability and willingness to commit the key personnel to complete the projects by the scheduled dates outlined in this RFP.
- 8.2.9 Clarity, conciseness, and organization of proposal.
- 8.2.10 NOTE: Proposals will be reviewed, evaluated and ranked (e.g.: 1, 2, 3) in accordance with the City's selection process and procedure.
- 8.2.11 Additional information submitted but not mentioned in this Request for Proposal.

9. **SUBMITTAL PROCEDURE**

- 9.1 Please submit **six** copies of your proposal at following address, no later than 12:00, Noon November 2, 2005 to:
 - Mary L. Long
 - Assistant Purchasing Agent
 - 440 South 8 Street, Suite 200
 - Lincoln, Nebraska, 68508
- 9.2 If the proposal is sent by mail, the respondent shall be responsible for actual delivery of the proposal prior to the submittal deadline.
 - 10.2.1 Any response received after the submittal deadline will not be considered.
- 9.3 The City may waive any informalities or irregularities in the proposal and reserves the right to accept, reject, or negotiate any or all proposals, including the right to award the contract in whole or in part if it deemed in the City's best interest.
- 9.4 Request for clarification or additional information must be received in written format prior to time and date noted in section 7.2.
- 9.5 Any additional information regarding this RFP will be issued as written addenda and sent to all RFP recipients, at least five working days before the submittal deadline.
- 9.6 Verbal responses and/or representations shall not be binding to the City.

10. **ESTIMATED FEES**

- 10.1 The City will rank the proposals based on the criteria outlined in the RFP and determine a short list.

- 10.2 The firms selected for oral presentations will be notified and will be asked to prepare a fee schedule and submit in a sealed envelope at the time of interview.
 - 11.2.1 This fee schedule will be cost plus and include hourly rate schedule.
- 10.3 The fee schedule may be used in case of a tie in the ranking of the top firm after the oral presentations.
- 10.4 If the City is unable to arrive at a mutual agreement with the top ranked firm the City retains the sole right to move on to negotiations with the second (then third, etc.) ranked firm.

11. INSURANCE

- 11.1 The successful firm shall obtain all insurance required and approved by the City Attorney for the City of Lincoln. Standard Certificate of Insurance requirements can be found on the City website at:
http://www.lincoln.ne.gov/city/finance/purch/ci_insur.pdf
- 11.2 All certificates of insurance shall be filed with the City of Lincoln on the standard ***Accord Certificate Of Insurance*** form showing the specific limits of insurance coverage required in Sections A, B, C, D, and showing the City of Lincoln as named additional insured.

**INSTRUCTIONS TO PROPOSERS
CITY OF LINCOLN, NEBRASKA
PURCHASING DIVISION**

1. PROPOSAL PROCEDURE

- 1.1 Each RFP must be legibly printed in ink or typed, include full name, business address, telephone number, fax number and email address of the Proposer; and be signed in ink by the Proposer.
- 1.2 Response by a firm/organization other than a corporation must include the name and address of each member.
- 1.3 A response by a corporation must be signed in the name of such corporation by a duly authorized official thereof.
- 1.4 Any person signing a response for a firm, corporation, or other organization must show evidence of his authority so to bind such firm, corporation, or organization.
- 1.5 Proposals received after the time and date established for receiving offers will be rejected.

2. EQUAL OPPORTUNITY

- 2.1 Each proposer agrees that it shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, national origin, age, or marital status. In the employment of persons, proposer shall take affirmative action to ensure that applicants are employed and that employees are treated during employment without regard to race, color, religion, sex, disability, national origin, age, or marital status.

3. DATA PRIVACY

- 3.1 Proposer agrees to abide by all applicable State and Federal laws and regulations concerning the handling and disclosure of private and confidential information concerning individuals and corporations as to inventions, copyrights, patents and patent rights.
- 3.2 The proposer agrees to hold the City harmless from any claims resulting from the proposer's unlawful disclosure or use of private or confidential information.

4. PROPOSER'S REPRESENTATION

- 4.1 Each proposer by signing and submitting an offer, represents that he/she has read and understands the specification documents, and the offer has been made in accordance therewith.
- 4.2 Each offer for services further represents that the proposer is familiar with the local conditions under which the work and has correlated the observations with the requirements of the RFP.

5. SPECIFICATION CLARIFICATION

- 5.1 Proposers shall promptly notify the Purchasing Agent of any ambiguity, inconsistency or error which they may discover upon examination of specification documents.
- 5.2 Proposers desiring clarification or interpretation of the specification documents shall make a written request which must reach the Purchasing Agent at least seven (7) calendar days prior to date and time for response receipt.
- 5.3 Interpretations, corrections and changes made to the specification documents will be made by written addenda.
- 5.4 Oral interpretations/changes to Specification Documents made in any other manner, will not be binding on the City; proposers shall not rely upon oral interpretations.

6. ADDENDA

- 6.1 Addenda are written documents issued by the City prior to the date for receipt of offers which modify or interpret the specification document by addition, deletion, clarification or correction.
- 6.2 Addenda will be mailed or delivered to all who are known by the City to have received a complete set of specification documents.
- 6.3 Copies of addenda will be made available for inspection at the office of the Purchasing Agent.
- 6.4 No addendum will be issued later than forty-eight (48) hours prior to the date and time for receipt of offers, except an addendum withdrawing the RFP, or addendum including postponement.
- 6.5 Proposers shall ascertain prior to submitting their offer that they have received all addenda issued, and they shall acknowledge receipt of addenda in their proposal.

7. ANTI-LOBBYING PROVISION

- 7.1 During the period between the proposal advertisement date and the contract award, proposers, including their agents and representatives, shall not lobby or promote their proposal with any member of the City Council or City Staff.

8. EVALUATION AND AWARD

- 8.1 The signed proposal shall be considered an offer on the part of the proposer. Such offer shall be deemed accepted upon issuance by the City of purchase orders, contract award notifications, or other contract documents appropriate to the work.

- 8.2 No offer shall be withdrawn for a period of ninety (90) calendar days after the time and date established for receiving offers, and each proposer agrees in submitting an offer.
- 8.3 In case of a discrepancy between the unit prices and their extensions, the unit prices shall govern.
- 8.4 The RFP process is designed to be a competitive negotiation platform, where price is not required to be the sole determinative factor; also the City has the flexibility to negotiate with a select firm or selected firms to arrive at a mutually agreeable relationship.
- 8.5 A committee will be assigned the task of reviewing the proposals received.
 - 8.5.1 The committee may request documentation from Proposer(s) of any information provided in their proposal response, or require the Proposer to clarify or expand qualification statements.
 - 8.5.2 The committee may also require a site visit and/or verbal interview with a Proposer or select group of Proposers to clarify and expand upon the proposal response.
- 8.6 The offer will be awarded to the lowest responsive, responsible proposer whose proposal will be most advantageous to the City, and as the City deem will best serve their requirements.
- 8.7 The City reserves the right to accept or reject any or all offers, parts of offers; request new proposals, waive irregularities and technicalities in offers; or to award the RFP on a split-order basis, or lump-sum basis; such as shall best serve the requirements and interests of the City.

9. INDEMNIFICATION

- 9.1 The proposer shall indemnify and save harmless the City of Lincoln, Nebraska from and against all losses, claims, damages, and expenses, including, attorney's fees arising out of or resulting from the performance of the contract that results in bodily injury, sickness, disease, death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom and is caused in whole or in part by the proposer, any subcontractor, any directly or indirectly employed by any of them or anyone for whose acts any of them may be liable. This section will not require the proposer to indemnify or hold harmless the City of Lincoln for any losses, claims damages, and expenses arising out of or resulting from the sole negligence of the City of Lincoln, Nebraska.
- 9.2 In any and all claims against the City or any of its members, officers or employees by an employee of the proposer, any subcontractor, anyone directly or indirectly employed by any of them or by anyone for whose acts made by any of them may be liable,

the indemnification obligation under paragraph 13.1 shall not be limited in any way by any limitation of the amount or type of damages, compensation or benefits payable by or for the bidder or any subcontractor under worker's or workmen's compensation acts, disability benefit acts or other employee benefit acts.

10. LAWS

- 10.1 The Laws of the State of Nebraska shall govern the rights, obligations, and remedies of the Parties under this proposal and any agreement reached as a result of this process.
- 10.2 Proposer agrees to abide by all applicable State and Federal laws and regulations concerning the handling and disclosure of private and confidential information concerning individuals and corporations as to inventions, copyrights, patents and patent rights.

11. AWARD

- 11.1 The RFP process is designed to be a competitive negotiation platform, where price is not required to be the sole determinative factor; also the City has the flexibility to negotiate with a selected firm or firms to arrive at a mutually agreeable relationship.
- 11.2 The City shall be the sole judge as to merits of the proposal, and the City's decision will be final.
- 11.3 A committee will be assigned by the Mayor with the task of reviewing the proposals received.
 - 11.3.1 The committee may request documentation from Proposer(s) of any information provided in their proposal response, or require the proposer to clarify or expand qualification statements.
 - 11.3.2 A short list of firms from proposals submitted may be selected for a presentation to the committee and ranked by committee members.
- 11.4 Final approval to enter into contract negotiations with the top ranked firm will be by the Mayor of the City of Lincoln.
- 11.5 The City shall not be liable for any expense incurred in connection with preparation of a response to this RFP.
- 11.6 The contract document shall incorporate by reference all requirements, terms and conditions of the solicitation, proposal received and all negotiated details.